



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

November 18, 2020

Via Email

Ryan C. Mast  
Director  
City of Albuquerque Environmental Health Department  
1 Civic Plaza NW  
Albuquerque, NM 87102  
[rmast@cabq.gov](mailto:rmast@cabq.gov)

**Re: Informal Resolution for EPA Complaint No. 13R-14-R6**

Dear Director Mast:

On October 16, 2020, EPA notified you that the Alternative Dispute Resolution process involving the City of Albuquerque Environmental Health Department (EHD)<sup>1</sup> and complainants in EPA Complaint No. 13R-14-R6 had concluded without resolution, and that EPA was resuming its investigation of this complaint. EPA explained that, according to its nondiscrimination regulation at 40 C.F.R. Parts 5 and 7, EPA shall attempt to resolve complaints informally whenever possible,<sup>2</sup> and that the External Civil Rights Compliance Office (ECRCO) would contact EHD to provide information about ECRCO's complaint process and to offer the informal resolution agreement process as a potential path for resolution of the issues which ECRCO has accepted for investigation.

Accordingly, during a virtual meeting on November 4, 2020, the process of developing and executing an Informal Resolution Agreement (IRA) was described to EHD and the Albuquerque-Bernalillo County Air Quality Control Board. On November 9, 2020, you informed EPA via

---

<sup>1</sup> Albuquerque's Air Quality Division identified in the complaint acceptance letter is a sub-component of the Albuquerque Environmental Health Department.

<sup>2</sup> 40 C.F.R. § 7.120(d)(2)(i) (ECRCO "shall attempt to resolve complaints informally whenever possible"). *See also* 40 C.F.R. § 7.105 (EPA "shall seek the cooperation of applicants and recipients in securing compliance with" 40 C.F.R. Part 7); § 7.130(a) (EPA may terminate financial assistance "if compliance with this part cannot be assured by informal means"); and § 7.130(b) (EPA shall make a finding of noncompliance if it determines the recipient is in noncompliance and "if compliance cannot be achieved voluntarily").

email that EHD has formally agreed to enter into the IRA process with EPA<sup>3</sup>. ECRCO, therefore, will suspend its investigation with regard to EHD for the duration of the IRA process. ECRCO will ensure that this process occurs without undue delay.

If the informal resolution process fails to result in an IRA between ECRCO and EHD, ECRCO will resume its investigation with regard to EHD and will issue preliminary findings without undue delay. To facilitate the IRA process, we will be providing you with a draft IRA for review and consideration.

If you have any questions about this letter, please feel free to contact Mahri Monson, Case Manager in EPA's External Civil Rights Compliance Office, who can be reached at (202) 564-2657, or [monson.mahri@epa.gov](mailto:monson.mahri@epa.gov).

Sincerely,



Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency

Cc: Angelia Talbert-Duarte  
Associate General Counsel  
Civil Rights & Finance Law Office

David Gray  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 6

James McGuire  
Regional Counsel  
U.S. EPA Region 6

---

<sup>3</sup> EPA is still awaiting a decision from the Albuquerque-Bernalillo County Air Quality Control Board as to whether they will also enter into the IRA process with EPA.